



**U. S. ELECTION ASSISTANCE COMMISSION**  
**VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM**  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

November 28, 2007

Mr. Howard Van Pelt  
President & CEO  
Advanced Voting Solutions, Inc.  
1600 Redbud Blvd., Suite 301  
McKinney, TX 75069

Mr. Van Pelt,

Having received no response from AVS to the EAC's letter of November 19, 2007, (Attached) the EAC hereby terminates your application for the testing of AVS WINWare 2.0.4.

In the future, should AVS wish to have this system tested for EAC certification, it will need to submit a new application for voting system testing, as required by Section 4.3 of the EAC *Testing and Certification Program Manual*. Please also remember that any future EAC certification testing done on this voting system must be undertaken through iBeta Quality Assurance.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock".

Brian J. Hancock  
Director, Testing and Certification



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November 19, 2007

Mr. Howard Van Pelt  
President & CEO  
Advanced Voting Solutions, Inc.  
1600 Redbud Blvd., Suite 301  
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Mr. Van Pelt,

This letter responds to your correspondence of October 17, 2007 (Attachment 1) which you submitted as a response to the EAC letter of October 10, 2007(Attachment 2). In the October 10th letter, the EAC asked AVS whether or not it wished to continue its EAC testing initiated on AVS WINWare 2.0.4.

You responded that, “(a)t this time AVS does not anticipate further testing with iBeta.” This statement appears to signify that AVS has voluntarily chosen to remove WINWare 2.0.4 from testing for EAC certification. Absent the receipt of a statement from AVS to the contrary, the EAC will therefore terminate your application for the testing of WINWare 2.0.4. on Tuesday, November 27, 2007. After that time, should AVS wish to have this system tested for EAC certification, it would need to submit a new application for voting system testing, as required by Section 4.3 of the EAC *Testing and Certification Program Manual*. Please also remember that any future EAC certification testing done on this voting system must be undertaken through iBeta Quality Assurance. (See *Manual*, Section 4.3.1.2)

In reviewing previous correspondence from AVS, it has become apparent that you have some fundamental misunderstandings regarding the scope and requirements of the EAC program. Based upon your continuing references to NASED and its qualification of voting systems, it appears you are confusing the NASED qualification program with the EAC Federal Certification Program which began on January 1, 2007. The EAC would like to clarify some inaccurate statements made in your letter of October 17, 2007.

On the first page of your letter, you state that “The PA certification report dated February 17, 2006, referred to confirmation received from Ciber Labs, a federally recognized ITA at that time....” The voting system division of Ciber Labs has never received Federal accreditation, although they remain active in seeking such accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology (NIST). Ciber served as an Independent Test Authority for

the National Association of State Election Directors (NASED). Please remember that the qualification testing for Pennsylvania you continually reference on the first page of your letter was done under the NASED program and holds no relevance to testing done for EAC certification. (See *Manual*, Section 3.3)

In the third paragraph on page two of your letter, you state that, "... believing that the certification costs for version 2.0.4 would be in the same order of magnitude as the previously experienced minor engineering change (2.0.3), AVS entered into an agreement with iBeta, the designated VSTL." If AVS would have taken sufficient time to familiarize itself with our certification program *Manual*, it would have noted the requirement in Section 3.4.2 that systems not previously certified by the EAC "...must be **fully tested** and submitted to the EAC according to the requirements of Chapter 4 of this Manual." (Emphasis added) The EAC did not grandfather NASED qualified voting systems. NASED qualifications are, as we have repeatedly stated, irrelevant to the EAC program.

On the last page of your letter, you state that "The efforts you propose would ultimately involve complete review, testing and certification to the EAC 2005 VVSG standards not applicable or in effect at the time of our sale and delivery to the PA customer base." Participation in the EAC certification program is voluntary. States determine the requirements for voting systems used within their jurisdiction. Furthermore, your voting system was in the process of being tested to the 2002 VSS, not the 2005 VVSG as you suggest. Testing to the 2002 VSS was requested by AVS in its Application for Testing. You signed this application yourself on February 14, 2007.

In an effort to assist AVS in any future certification efforts, the EAC suggests that AVS, and all prospective manufacturers of voting systems seeking certification, carefully read the EAC *Testing and Certification Program Manual* in order to minimize confusion regarding the very specific requirements of the program.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock". The signature is fluid and cursive, with the first name "Brian" being the most prominent.

Brian J. Hancock  
Director, Testing and Certification

(Attachments)